

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:
All Cases

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

HENRY SCHEIN, INC.'S STATUS REPORT

Defendant Family Henry Schein, Inc.¹ (“HSI”) provides this status report pertaining to its ongoing settlement negotiations for cases pending in the MDL.

I. STATUS OF DISCUSSIONS

On June 27, 2022, the PEC and the defendants subject to the Court’s April 21, 2022 Order (Doc. #4380) (the “Remaining Defendants”) met with Special Master Cohen. At the meeting with Special Master Cohen, the Remaining Defendants agreed to provide the PEC with a list of each Defendants’ primary settlement counsel, which they did on June 29, 2022.

On July 11, 2022, the PEC proposed individual meet and confers with the Remaining Defendants the last week of July. Counsel for HSI provided the PEC with a list of cases it had knowledge were pending against it in the MDL², and the HSI met and conferred with the PEC on July 25, 2022. At the July 25, 2022 meet and confer, HSI made it clear that it was not seeking a global release and that it saw the PEC’s role as primarily to assist HSI with identifying the

¹ Pursuant to Footnote 1 the Court’s Order (Doc. #4380), “Defendant Families” refers to all entities that are related. The entities related to Henry Schein, Inc. against which lawsuits have been filed are Henry Schein, Inc.; Henry Schein Medical Systems, Inc.; General Injectables & Vaccines, Inc.; and Insource, Inc. Per the Court’s Order, all of these defendants will be considered part of the “Henry Schein, Inc. defendant family” and referred to as HSI.

² After determining during the morning call on July 25 that there were cases missing from the case list, HSI provided an updated list that afternoon.

appropriate lead counsel contact for each lawsuit against HSI, and requested that the PEC: (1) confirm that the list of cases HSI provided to the PEC contains a complete and accurate list of all cases currently pending in MDL 2804 that name HSI; and (2) provide the identity and contact information of lead counsel with settlement authority for each case identified in the list of cases provided. In addition, HSI requested information from each of the Plaintiffs pertaining to that specific Plaintiffs' claims (*e.g.*, the geographic and/or service area for which each plaintiff is seeking damages, the time period over which each plaintiff is seeking damages, etc.). The PEC agreed during the meet and confer to review HSI's list of cases and confirm which of the cases a PEC firm represented the Plaintiff, and which did not.

On August 26, 2022, counsel for HSI emailed the PEC following up on the prior discussion. On September 9, 2022, the PEC emailed counsel for HSI requesting an appointment for another call because the PEC had reached out to the non-PEC lawyers that have sued HSI and have "authority to speak...about their cases."

Counsel for HSI and the PEC had another call on Tuesday, September 20, 2022, at which the PEC confirmed it had authority to speak with counsel for HSI regarding settlement structures and proposals for at least 35 of the 123 known cases currently pending against HSI in the MDL.

II. HSI REMAINS OPEN TO FURTHER SETTLEMENT DISCUSSIONS

HSI has been named in over 150 lawsuits in both state and federal courts. The lawsuits against HSI have been brought by municipalities, healthcare providers, a third-party payor, and individuals. Each of these plaintiffs and their counsel have differing interests. At this time, HSI has not been sued by any state attorneys general. HSI continues to be ready and willing to engage in settlement discussions regarding the claims against it. It is unclear to HSI which of Plaintiffs' counsel, if any, are authorized to engage in broader settlement discussions with HSI, and it remains unclear what authority the PEC has to negotiate settlement in non-PEC cases. Insofar as any

Plaintiffs' counsel would like to discuss resolution of matters pending against HSI, HSI welcomes the discussion. HSI remains amenable to engaging the assistance of a mutually-agreeable mediator when appropriate. For the time being, HSI intends to continue its successful, ongoing settlement discussions on a case-by-case and/or jurisdiction-by-jurisdiction basis.

HSI continues to believe that selecting bellwether cases at this time will not further the resolution of these matters and proposes the Court set this matter for a status conference to discuss the progress of settlement discussions in 90 days.

Dated: September 21, 2022

Respectfully Submitted,

/s/ John P. McDonald

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on September 21, 2022.

/s/ John P. McDonald

John P. McDonald